

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**DAKOTA LOMAX
ADC #132458**

PLAINTIFF

v.

Case No. 5:14-cv-00206-KGB

JAMES BANKS, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge H. David Young (Dkt. No. 5) and the objections filed by plaintiff Dakota Lomax (Dkt. No. 6). After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

It is therefore ordered that:

1. Mr. Lomax's complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.
4. All pending motions are denied as moot.

SO ORDERED this the 18th day of February, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE